



General Assembly

February Session, 2022

Raised Bill No. 206

LCO No. 1051



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

***AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND
FAMILIES' RECOMMENDATIONS FOR REVISIONS TO THE
STATUTES CONCERNING CHILDREN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17a-28 of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2022*):

4 (g) The department shall disclose records, subject to subsections (b)
5 and (c) of this section, without the consent of the person who is the
6 subject of the record, to:

7 (1) The person named in the record or such person's authorized
8 representative, provided such disclosure shall be limited to information
9 (A) contained in the record about such person or about such person's
10 biological or adoptive minor child, if such person's parental rights to
11 such child have not been terminated; and (B) identifying an individual
12 who reported abuse or neglect of the person, including any tape
13 recording of an oral report pursuant to section 17a-103, if a court
14 determines that there is reasonable cause to believe the reporter

15 knowingly made a false report or that the interests of justice require
16 disclosure;

17 (2) An employee of the department for any purpose reasonably
18 related to the performance of such employee's duties;

19 (3) A guardian ad litem or attorney appointed to represent a child or
20 youth in litigation affecting the best interests of the child or youth;

21 (4) An attorney representing a parent, guardian or child in a petition
22 filed in the Superior Court pursuant to section 17a-112 or 46b-129,
23 provided (A) if such records do not pertain to such attorney's client or
24 such client's child, such records shall not be further disclosed to another
25 individual or entity by such attorney except pursuant to the order of a
26 court of competent jurisdiction, (B) if such records are confidential
27 pursuant to federal law, such records shall not be disclosed to such
28 attorney or such attorney's client unless such attorney or such attorney's
29 client is otherwise entitled to such records, and (C) nothing in this
30 subdivision shall limit the disclosure of records under subdivision (3) of
31 this subsection;

32 (5) The Attorney General, any assistant attorney general or any other
33 legal counsel retained to represent the department during the course of
34 a legal proceeding involving the department or an employee of the
35 department;

36 (6) The Child Advocate or the Child Advocate's designee;

37 (7) The Chief Public Defender or the Chief Public Defender's designee
38 for purposes of ensuring competent representation by the attorneys
39 with whom the Chief Public Defender contracts to provide legal and
40 guardian ad litem services to the subjects of such records and for
41 ensuring accurate payments for services rendered by such attorneys;

42 (8) The Chief State's Attorney or the Chief State's Attorney's designee
43 for purposes of investigating or prosecuting (A) an allegation related to
44 child abuse or neglect, (B) an allegation that an individual made a false

45 report of suspected child abuse or neglect, (C) an allegation that a
46 mandated reporter failed to report suspected child abuse or neglect in
47 accordance with section 17a-101a, provided such prosecuting authority
48 shall have access to records of a child charged with the commission of a
49 delinquent act, who is not being charged with an offense related to child
50 abuse, only while the case is being prosecuted and after obtaining a
51 release, or (D) an allegation of fraud in the receipt of public or private
52 benefits, provided no information identifying the subject of the record
53 is disclosed unless such information is essential to such investigation or
54 prosecution;

55 (9) A state or federal law enforcement officer, including a military law
56 enforcement authority under the United States Department of Defense,
57 for purposes of investigating (A) an allegation related to child abuse or
58 neglect, (B) an allegation that an individual made a false report of
59 suspected child abuse or neglect, or (C) an allegation that a mandated
60 reporter failed to report suspected child abuse or neglect in accordance
61 with section 17a-101a;

62 (10) A foster or prospective adoptive parent, if the records pertain to
63 a child or youth currently placed with the foster or prospective adoptive
64 parent, or a child or youth being considered for placement with the
65 foster or prospective adoptive parent, and the records are necessary to
66 address the social, medical, psychological or educational needs of the
67 child or youth, provided no information identifying a biological parent
68 is disclosed without the permission of such biological parent;

69 (11) The Governor, when requested in writing in the course of the
70 Governor's official functions, the joint standing committee of the
71 General Assembly having cognizance of matters relating to human
72 services, the joint standing committee of the General Assembly having
73 cognizance of matters relating to the judiciary or the joint standing
74 committee of the General Assembly having cognizance of matters
75 relating to children, when requested in writing by any of such
76 committees in the course of such committee's official functions, and
77 upon a majority vote of such committee, provided no name or other

78 identifying information is disclosed unless such information is essential
79 to the gubernatorial or legislative purpose;

80 (12) The Office of Early Childhood for the purpose of (A) determining
81 the suitability of a person to care for children in a facility licensed
82 pursuant to section 19a-77, 19a-80, ~~or~~ 19a-87b or 19a-421; (B)
83 determining the suitability of such person for licensure; (C) ~~determining~~
84 the suitability of a person to provide child care services to a child and
85 receive a child care subsidy pursuant to section 17b-749k; (D) an
86 investigation conducted pursuant to section 19a-80f; ~~[(D)]~~ (E) notifying
87 the office when the Department of Children and Families places an
88 individual licensed or certified by the office on the child abuse and
89 neglect registry pursuant to section 17a-101k; or ~~[(E)]~~ (F) notifying the
90 office when the Department of Children and Families possesses
91 information regarding an office regulatory violation committed by an
92 individual licensed or certified by the office;

93 (13) The Department of Developmental Services, to allow said
94 department to determine eligibility, facilitate enrollment and plan for
95 the provision of services to a child who is a client of said department
96 and who is applying to enroll in or is enrolled in said department's
97 behavioral services program. At the time that a parent or guardian
98 completes an application for enrollment of a child in the Department of
99 Developmental Services' behavioral services program, or at the time that
100 said department updates a child's annual individualized plan of care,
101 said department shall notify such parent or guardian that the
102 Department of Children and Families may provide records to the
103 Department of Developmental Services for the purposes specified in this
104 subdivision without the consent of such parent or guardian;

105 (14) Any individual or entity for the purposes of identifying resources
106 that will promote the permanency plan of a child or youth approved by
107 the court pursuant to sections 17a-11, 17a-111b and 46b-129;

108 (15) A state agency that licenses or certifies a person to educate, care
109 for or provide services to children or youths;

110 (16) A judge or employee of a Probate Court who requires access to
111 such records in order to perform such judge's or employee's official
112 duties;

113 (17) A judge of the Superior Court for purposes of determining the
114 appropriate disposition of a child adjudicated as delinquent or a child
115 who is a member of a family with service needs;

116 (18) A judge of the Superior Court in a criminal prosecution for
117 purposes of in camera inspection whenever (A) the court has ordered
118 that the record be provided to the court; or (B) a party to the proceeding
119 has issued a subpoena for the record;

120 (19) A judge of the Superior Court and all necessary parties in a
121 family violence proceeding when such records concern family violence
122 with respect to the child who is the subject of the proceeding or the
123 parent of such child who is the subject of the proceeding;

124 (20) The Auditors of Public Accounts, or their representative,
125 provided no information identifying the subject of the record is
126 disclosed unless such information is essential to an audit conducted
127 pursuant to section 2-90;

128 (21) A local or regional board of education, provided the records are
129 limited to educational records created or obtained by the state or
130 Connecticut Unified School District #2, established pursuant to section
131 17a-37;

132 (22) The superintendent of schools for any school district for the
133 purpose of determining the suitability of a person to be employed by
134 the local or regional board of education for such school district pursuant
135 to subsection (a) of section 10-221d;

136 (23) The Department of Motor Vehicles for the purpose of criminal
137 history records checks pursuant to subsection (e) of section 14-44,
138 provided information disclosed pursuant to this subdivision shall be
139 limited to information included on the Department of Children and

140 Families child abuse and neglect registry established pursuant to section
141 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k
142 concerning the nondisclosure of findings of responsibility for abuse and
143 neglect;

144 (24) The Department of Mental Health and Addiction Services for the
145 purpose of treatment planning for young adults who have transitioned
146 from the care of the Department of Children and Families;

147 (25) The superintendent of a public school district or the executive
148 director or other head of a public or private institution for children
149 providing care for children or a private school (A) pursuant to sections
150 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and 46b-129, or (B) when
151 the Department of Children and Families places an individual
152 employed by such institution or school on the child abuse and neglect
153 registry pursuant to section 17a-101k;

154 (26) The Department of Social Services for the purpose of (A)
155 determining the suitability of a person for payment from the
156 Department of Social Services for providing child care; (B) promoting
157 the health, safety and welfare of a child or youth receiving services from
158 either department; or (C) investigating allegations of fraud provided no
159 information identifying the subject of the record is disclosed unless such
160 information is essential to any such investigation;

161 (27) The Court Support Services Division of the Judicial Branch, to
162 allow the division to determine the supervision and treatment needs of
163 a child or youth, and provide appropriate supervision and treatment
164 services to such child or youth, provided such disclosure shall be limited
165 to information that identifies the child or youth, or a member of such
166 child's or youth's immediate family, as being or having been (A)
167 committed to the custody of the Commissioner of Children and Families
168 as delinquent, (B) under the supervision of the Commissioner of
169 Children and Families, or (C) enrolled in the voluntary services program
170 operated by the Department of Children and Families;

171 (28) The Court Support Services Division of the Judicial Branch for

172 the purpose of sharing common case records to track recidivism of
173 juvenile offenders;

174 (29) The birth-to-three program's referral intake office for the purpose
175 of (A) determining eligibility of, (B) facilitating enrollment for, and (C)
176 providing services to (i) substantiated victims of child abuse and neglect
177 with suspected developmental delays, and (ii) newborns impacted by
178 withdrawal symptoms resulting from prenatal drug exposure;

179 (30) The Department of Public Health for the purpose of notification
180 when the Commissioner of Children and Families places an individual
181 licensed or certified by the Department of Public Health on the child
182 abuse and neglect registry established pursuant to section 17a-101k;
183 [and]

184 (31) The Department of Correction, for the purpose of determining
185 the supervision and treatment needs of a child or youth, and providing
186 appropriate supervision and treatment services to such child or youth;

187 (32) Any child placing agency subject to licensure by the Department
188 of Children and Families, for the purpose of determining the suitability
189 of a person (A) for employment by such agency, or (B) to adopt or
190 provide foster care by such agency pursuant to sections 17a-114 and 17a-
191 151; and

192 (33) The Department of Administrative Services, for the purpose of
193 determining whether an applicant for employment with the state, who
194 would have contact with children in the course of such employment,
195 appears on the child abuse or neglect registry maintained pursuant to
196 section 17a-101k.

197 Sec. 2. Section 17a-3b of the 2022 supplement to the general statutes
198 is repealed and the following is substituted in lieu thereof (*Effective*
199 *October 1, 2022*):

200 (a) The Commissioner of Children and Families shall [implement the
201 operational plan developed pursuant to section 2 of public act 21-174 to

202 establish an education] establish an administrative unit within the
203 Department of Children and Families [, for] to provide oversight of the
204 education of any child who resides in any juvenile justice facility and
205 any incarcerated child. The Commissioner of Children and Families
206 shall administer, coordinate and control the operations of the unit and
207 be responsible for the overall supervision and direction of all [courses
208 and] activities of the unit.

209 (b) The commissioner, or his or her designee, shall:

210 (1) Have the power to employ and dismiss staff [and, as a board of
211 education would in accordance with the applicable provisions of section
212 10-151, such teachers as are] as necessary to carry out the intent of this
213 section and to pay their salaries; [, or to contract with local or regional
214 boards of education or educational service providers for the purpose of
215 providing educational services to children being served by the unit;]

216 (2) Develop and review quarterly reports, which shall be available to
217 the Juvenile Justice Policy and Oversight Committee established
218 pursuant to section 46b-121n, on academic performance, school
219 discipline, attendance and other similar issues concerning students
220 educated [by] under the oversight of the unit;

221 (3) Have the power to contract with providers of educational services
222 for compilation, at least semiannually, of performance data to ensure
223 that reporting measures are tailored to experiences of students in short
224 and long-term placements in juvenile justice facilities;

225 (4) Require providers of educational services to develop partnerships
226 and programs with local educational agencies, private educational
227 providers and local industries and businesses;

228 (5) Report student performance data, attendance and rates of
229 participation for all education programs and document transition
230 activities and outcomes and collaborations with community service
231 providers and parents to the Juvenile Justice Policy and Oversight
232 Committee established pursuant to section 46b-121n;

233 (6) (A) Ensure that students have access to earn credits toward high
234 school graduation and have access to arts and career and technical
235 education courses, state-wide and college preparatory testing, and (B)
236 provide alternative options for high school equivalency certificates for
237 students who are twenty years of age or older with insufficient credits
238 to meet graduation requirements pursuant to section 10-221a; and

239 (7) Enable students to have access to web-based content including
240 credit recovery programs to allow students to earn a credit for a course
241 he or she did not satisfactorily complete.

242 (c) The commissioner may employ within the unit transition
243 specialists whose primary responsibility is to facilitate the successful
244 transition of children from their communities to secure facilities and
245 then back to their local educational program upon release. Transition
246 specialists shall:

247 (1) Collaborate with local and regional boards of education,
248 governing councils of a state or local charter school, interdistrict magnet
249 school operators and agencies that serve the needs of children,
250 employers and other community supports for reentry to plan and
251 manage successful transitions between the unit, the student's previous
252 school and the school the student will enroll in upon leaving the [unit]
253 juvenile justice facility or incarceration;

254 (2) Manage and track the educational credits of a student who is in
255 an out-of-home placement and document the success of a placement
256 following a student's reentry into his or her community; and

257 (3) Be responsible for communicating with the reentry coordinators
258 who appear on a list pursuant to section 10-253a, whose primary
259 responsibility is to support educational success in students returning to
260 the community from juvenile justice system custody and who shall
261 ensure all information regarding the education of a child under the
262 oversight of the unit is communicated to the school the student will
263 enroll in upon leaving juvenile justice system custody.

264 (d) The [education] unit shall ensure that the school the student will
 265 enroll in, after the unit's obligation to provide services to the student
 266 ends, provides services and supports that maximize the student's
 267 success.

268 (e) The [education] unit shall employ a uniform system of state-wide
 269 electronic record transfers for maintaining and sharing educational
 270 records for any child who resides in a juvenile justice facility and any
 271 incarcerated child in an educational program to be overseen by a
 272 directory manager as designated by the commissioner. Such system
 273 shall be aligned with recommendations by the Individualized
 274 Education Program Advisory Council established pursuant to section
 275 10-76nn.

276 Sec. 3. Section 10-220h of the 2022 supplement to the general statutes,
 277 as amended by section 7 of public act 21-174, is repealed and the
 278 following is substituted in lieu thereof (*Effective October 1, 2022*):

279 (a) When a student enrolls in a school in a new school district or in a
 280 new state charter school, the new school district or new state charter
 281 school shall provide written notification of such enrollment to the school
 282 district in which the student previously attended school or the state
 283 charter school the student previously attended not later than two
 284 business days after the student enrolls. The school district in which the
 285 student previously attended school or the state charter school that the
 286 student previously attended (1) shall transfer the student's education
 287 records to the new school district or new state charter school no later
 288 than ten days after receipt of such notification, and (2) if the student's
 289 parent or guardian did not give written authorization for the transfer of
 290 such records, shall send notification of the transfer to the parent or
 291 guardian at the same time that it transfers the records.

292 (b) In the case of a student placed in any juvenile justice facility and
 293 any incarcerated student being educated under the oversight of the
 294 [education] administrative unit established pursuant to section 17a-3b,
 295 as amended by this act, the Commissioner of Children and Families

296 shall immediately upon placement of such student in such facility or
 297 under incarceration, inform the student's previous school of such
 298 placement. The school district in which the student previously attended
 299 school or the state charter school that the student previously attended
 300 shall, not later than five days after notification of such placement or
 301 incarceration, transfer the student's education records to the [education]
 302 administrative unit.

303 (c) In the case of a student who transfers from Unified School District
 304 #1, Unified School District #2 or the [education] administrative unit
 305 established pursuant to section 17a-3b, as amended by this act, the new
 306 school district or new state charter school shall provide written
 307 notification of such enrollment to Unified School District #1, Unified
 308 School District #2 or the [education] administrative unit established
 309 pursuant to section 17a-3b, as amended by this act, immediately upon
 310 the date of enrollment. The unified school district or the [education]
 311 administrative unit established pursuant to section 17a-3b, as amended
 312 by this act, shall, not later than five days after receipt of notification of
 313 enrollment from the new school district or new state charter school,
 314 transfer the records of the student to the new school district or new state
 315 charter school.

316 (d) The new school district or new state charter school shall, not later
 317 than thirty days after receiving the student's education records, credit
 318 the student for all instruction received in Unified School District #1,
 319 Unified School District #2 or the [education] administrative unit
 320 established pursuant to section 17a-3b, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2022</i>	17a-28(g)
Sec. 2	<i>October 1, 2022</i>	17a-3b
Sec. 3	<i>October 1, 2022</i>	10-220h

Statement of Purpose:

To (1) require the Department of Children and Families to disclose records for certain purposes to the Office of Early Childhood, Department of Administrative Services and child placing agencies without the consent of the subject of the record, and (2) clarify the Department of Children and Families' role in the administration of educational services provided to students residing in certain juvenile detention facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]